

(e) To strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purpose of—

(1) Identifying and evaluating at-risk infants and toddlers;

(2) Making referrals of the infants and toddlers identified and evaluated under paragraph (e)(1) of this section; and

(3) Conducting periodic follow-up on each referral under paragraph (e)(2) of this section to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.

(Authority: 20 U.S.C. 1433 and 1438)

[58 FR 40959, July 30, 1993, as amended at 63 FR 18293, Apr. 14, 1998]

§ 303.4 Limitation on eligible children.

This part 303 does not apply to any child with disabilities receiving a free appropriate public education, in accordance with 34 CFR part 300, with funds received under 34 CFR part 301.

(Authority: 20 U.S.C. 1419(h))

§ 303.5 Applicable regulations.

(a) The following regulations apply to this part:

(1) The Education Department General Administrative Regulations (EDGAR), including—

(i) Part 76 (State Administered Programs), except for § 76.103;

(ii) Part 77 (Definitions that Apply to Department Regulations);

(iii) Part 79 (Intergovernmental Review of Department of Education Programs and Activities);

(iv) Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments);

(v) Part 81 (Grants and Cooperative Agreements under the General Education Provisions Act—Enforcement);

(vi) Part 82 (New Restrictions on Lobbying); and

(vii) Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Require-

ments for Drug-Free Work Place (Grants)).

(2) The regulations in this part 303.

(3) The following regulations in 34 CFR part 300 (Assistance to States for the Education of Children with Disabilities Program): §§ 300.560–300.577, and §§ 300.580–300.585.

(b) In applying the regulations cited in paragraphs (a)(1) and (a)(3) of this section, any reference to—

(1) *State educational agency* means the lead agency under this part;

(2) *Special education, related services, free appropriate public education, free public education, or education* means “early intervention services” under this part;

(3) *Participating agency*, when used in reference to a local educational agency or an intermediate educational agency, means a local service provider under this part;

(4) *Section 300.128* means §§ 303.164 and 303.321; and

(5) *Section 300.129* means § 303.460.

(Authority: 20 U.S.C. 1401, 1416, 1417)

[58 FR 40959, July 30, 1993, as amended at 63 FR 18294, Apr. 14, 1998, 64 FR 12535, Mar. 12, 1999]

DEFINITIONS

NOTE: Sections 303.6–303.24 contain definitions, including a definition of “natural environments” in § 303.18, that are used throughout these regulations. Other terms are defined in the specific subparts in which they are used. Below is a list of those terms and the specific sections in which they are defined:

Appropriate professional requirements in the State (§ 303.361(a)(1))

Assessment (§ 303.322(b)(2))

Consent (§ 303.401(a))

Evaluation (§ 303.322(b)(1))

Frequency and intensity (§ 303.344(d)(2)(i))

Highest requirements in the State applicable to a profession or discipline (§ 303.361(a)(2))

Individualized family service plan and IFSP (§ 303.340(b))

Impartial (§ 303.421(b))

Location (§ 303.344(d)(3))

Method (§ 303.344(d)(2)(ii))

Native language (§ 303.401(b))

Personally identifiable (§ 303.401(c))

Primary referral sources (§ 303.321(d)(3))

Profession or discipline (§ 303.361(a)(3))

Special definition of “aggregate amount” (§ 303.200(b)(1))

Special definition of “infants and toddlers” (§ 303.200(b)(2))

§ 303.6

Special definition of “State” (§ 303.200(b)(3))
State approved or recognized certification,
licensing, registration, or other com-
parable requirements (§ 303.361(a)(4))

§ 303.6 Act.

As used in this part, *Act* means the
Individuals with Disabilities Education
Act.

(Authority: 20 U.S.C. 1400)

§ 303.7 Children.

As used in this part, *children* means
infants and toddlers with disabilities as
that term is defined in § 303.16.

(Authority: 20 U.S.C. 1432(5))

§ 303.8 Council.

As used in this part, *Council* means
the State Interagency Coordinating
Council.

(Authority: 20 U.S.C. 1432(2))

§ 303.9 Days.

As used in this part, *days* means cal-
endar days.

(Authority: 20 U.S.C. 1431-1445)

§ 303.10 Developmental delay.

As used in this part, “developmental
delay,” when used with respect to an
individual residing in a State, has the
meaning given to that term under
§ 303.300.

(Authority: 20 U.S.C. 1432(3))

[64 FR 12535, Mar. 12, 1999]

§ 303.11 Early intervention program.

As used in this part, *early intervention
program* means the total effort in a
State that is directed at meeting the
needs of children eligible under this
part and their families.

(Authority: 20 U.S.C. 1431-1445)

§ 303.12 Early intervention services.

(a) *General.* As used in this part, *early
intervention services* means services
that—

(1) Are designed to meet the develop-
mental needs of each child eligible
under this part and the needs of the
family related to enhancing the child’s
development;

(2) Are selected in collaboration with
the parents;

34 CFR Ch. III (7–1–07 Edition)

(3) Are provided—

(i) Under public supervision;

(ii) By *qualified* personnel, as defined
in § 303.21, including the types of per-
sonnel listed in paragraph (e) of this
section;

(iii) In conformity with an individ-
ualized family service plan; and

(iv) At no cost, unless, subject to
§ 303.520(b)(3), Federal or State law pro-
vides for a system of payments by fam-
ilies, including a schedule of sliding
fees; and

(4) Meet the standards of the State,
including the requirements of this
part.

(b) *Natural environments.* To the max-
imum extent appropriate to the needs
of the child, early intervention services
must be provided in natural environ-
ments, including the home and commu-
nity settings in which children without
disabilities participate.

(c) *General role of service providers.* To
the extent appropriate, service pro-
viders in each area of early interven-
tion services included in paragraph (d)
of this section are responsible for—

(1) Consulting with parents, other
service providers, and representatives
of appropriate community agencies to
ensure the effective provision of serv-
ices in that area;

(2) Training parents and others re-
garding the provision of those services;
and

(3) Participating in the multidisci-
plinary team’s assessment of a child
and the child’s family, and in the de-
velopment of integrated goals and out-
comes for the individualized family
service plan.

(d) *Types of services; definitions.* Fol-
lowing are types of services included
under “early intervention services,”
and, if appropriate, definitions of those
services:

(1) *Assistive technology device* means
any item, piece of equipment, or prod-
uct system, whether acquired commer-
cially off the shelf, modified, or cus-
tomized, that is used to increase, main-
tain, or improve the functional capa-
bilities of children with disabilities.
Assistive technology service means a
service that directly assists a child